

BOARD MEETING DATE: October 7, 2005

AGENDA NO. 12

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of August 1 through August 31, 2005.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:

Receive and file this report.

Edward Camarena  
Chairman of Hearing Board

EC:RJ

---

Two summaries are attached: **Rules From Which Variances and Orders for Abatement Were Requested in 2005** and **August 2005 Hearing Board Cases**.

It should be noted that 1 of the 20 cases heard in August was a Group Order for Abatement petition involving 11 gasoline dispensing facilities not in compliance with enhanced vapor recovery (EVR) requirements which became effective April 1, 2005.

The total number of appeals filed during the period August 1 to August 31, 2005 is 2, and the total number of appeals filed during the period of January 1 to August 31, 2005 is 10.

.



	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
461(c)(4)(B)														0		
461(c)(4)(B)(ii)														0		
461(e)(1)						1								1		
461(e)(2)						1	20							21		
461(e)(2)(A)						4		2	1					7		
461(e)(2)(A)(i)														0		
461(e)(2)(B)(i)						4	20	2	1					27		
461(e)(2)(C)														0		
461(e)(3)						4	20	2	1					27		
461(e)(4)														0		
461(e)(5)														0		
461(e)(7)														0		
462(c)(1)(A)(ii)														0		
462(c)(1)(E)														0		
462(c)(3)(B)						1								1		
463(c)(3)(C)						3								3		
462(c)(4)(B)(i)														0		
462(c)(7)(A)(ii)														0		
462(d)														0		
462(d)(1)														0		
462(d)(1)(A)						2								2		
462(d)(1)(A)(ii)														0		
462(d)(1)(C)						2								2		
462(d)(1)(E)(ii)														0		
462(d)(1)(F)														0		
462(d)(2)(A)(i)														0		
462(e)(1)														0		
462(e)(1)(E)						2								2		
462(e)(1)(E)(ii)														0		
462(e)(2)(A)(i)														0		
462(e)(4)														0		
462(h)(1)						2								2		
463(c)														0		
463(c)(1)(A)														0		
463(c)(1)(A)(I)-(iv)														0		
463(c)(1)(B)														0		
463(c)(1)(C)														0		
463(c)(1)(D)														0		
463(c)(1)(E)														0		
463(c)(2)														0		
463(c)(3)														0		
463(c)(3)(A)														0		
463(c)(3)(B)							1							1		
463(c)(3)(C)							1							1		
463(d)(2)														0		
463(e)(3)(C)														0		
463(e)(4)			2											2		
464(b)									1					1		
468														0		
468(a)						1								1		
468(b)														0		
1102							1							1		
1102(c)(2)					1									1		
1104(c)(1)														0		
1106(c)(1)														0		
1106.1(c)(1)														0		
1106.1(c)(1)(A)														0		
1107(c)(1)		1												1		
1107(c)(2)		1												1		
1107(d)														0		
1110.1														0		
1110.2			1											1		
1110.2(d)(1)														0		
1110.2(d)(1)(A)		2							1					3		
1110.2(d)(1)(B)		3							1					4		
1110.2(d)(1)(C)		2		1					1					4		
1110.2(e)(1)(A)														0		
1110.2(e)(1)(B)(i)(II)		2		1										3		
1110.2(e)(1)(B)(i)(III)		2							1					3		
1110.2(e)(1)(B)(ii)									1					1		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1110.2(f)(1)(A)		2		1					3					6		
1110.2(f)(1)(B)		2							1					3		
1110.2(f)(1)(E)														0		
1113(c)(2)														0		
1115(c)(3)							1							1		
1118(d)(1)(2)														0		
1118(d)(1)(3)														0		
1118(d)(2)														0		
1118(d)(3)														0		
1118(d)(4)(B)														0		
1118(d)(5)(A)														0		
1118(d)(5)(B)														0		
1118(e)														0		
1118(f)														0		
1121														0		
1122(c)(2)(A)														0		
1122(c)(2)(E)														0		
1122(d)(1)(A)						1								1		
1122(d)(1)(B)														0		
1122(d)(3)														0		
1122(e)(2)(A)														0		
1122(e)(2)(B)														0		
1122(e)(2)(C)														0		
1122(e)(2)(D)														0		
1122(e)(4)(A)														0		
1122(e)(4)(B)														0		
1122(g)(3)														0		
1122(k)(1)(D)						1								1		
1124														0		
1124(c)(1)(A)														0		
1124(c)(1)(E)														0		
1124(c)(4)														0		
1125(c)(1)														0		
1128(c)(1)				1										1		
1128(c)(2)														0		
1130														0		
1130(c)(1)			1		1		1	1						4		
1130(c)(4)			1		1		1	1						4		
1131														0		
1131(d)								1						1		
1132(d)(2)														0		
1132(d)(3)														0		
1134(c)														0		
1134(c)(1)														0		
1134(d)														0		
1134(d)(1)														0		
1134(d)(2)(B)(ii)														0		
1134(f)														0		
1134(g)(2)														0		
1135(c)(3)														0		
1135(c)(3)(C)														0		
1135(c)(4)														0		
1135(c)(4)(D)														0		
1136							1							1		
1136(c)(1)(A)(i)									1					1		
1137(d)(2)				1										1		
1145(c)(2)														0		
1145(c)(6)														0		
1145(h)(1)(E)														0		
1145(h)(1)(E)														0		
1146														0		
1146(c)(3)(A)														0		
1146(c)(5)		1	1											2		
1146.1														0		
1146.1(a)(2)						1								1		
1146.1(a)(8)						1								1		
1146.1(b)						1								1		
1146.1(c)(1)						1								1		
1146.1(c)(2)(B)														0		
1146.1(c)(3)														0		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1146.1(e)						1								1		
1146.1(e)(1)(B)														0		
1146.2														0		
1146.2(c)(1)														0		
1146.2(c)(3)														0		
1150.1														0		
1150.1(d)(1)(C)(i)														0		
1150.1(d)(4)		1		1	1									3		
1150.1(d)(5)		1												1		
1150.1(d)(6)		1												1		
1150.1(d)(7)														0		
1150.1(e)														0		
1150.1(e)(1)														0		
1150.1(e)(2)														0		
1150.1(e)(3)														0		
1150.1(e)(1)(C)						1								1		
1150.1(e)(2)(C)														0		
1150.1(e)(3)(C)														0		
1150.1(e)(6)(A)(I)														0		
1150.1(e)(6)(A)(ii)														0		
1150.1(f)(1)(A)(iii)(I)														0		
1150.1(f)(1)(H)(i)														0		
1151(c)(1)(B)														0		
1151(c)(8)														0		
1151(2)														0		
1151(5)														0		
1151(d)(1)														0		
1151(e)(1)														0		
1151(e)(2)														0		
1151(f)(1)														0		
1153(c)(1)						1								1		
1153(c)(1)(B)								1						1		
1158														0		
1158(d)(2)														0		
1158(d)(5)														0		
1158(d)(7)														0		
1158(d)(7)(A)(ii)														0		
1158(d)(8)														0		
1164(c)(1)(B)														0		
1164(c)(2)														0		
1166(c)(2)														0		
1166(c)(2)(F)														0		
1168														0		
1168(c)(1)														0		
1168(c)(2)														0		
1171						1								1		
1171(c)								1						1		
1171(c)(1)		1	1	2		1	1							6		
1171(c)(1)(A)(i)														0		
1171(c)(1)(b)(i)														0		
1171(c)(4)		1		2		1	1							5		
1171(c)(5)														0		
1171(c)(5)(A)(i)														0		
1171(c)(6)														0		
1173(c)														0		
1173(d)(1)														0		
1173(d)(1)(D)														0		
1173(d)(1)(D)(iii)														0		
1173(f)(1)														0		
1173(g)(1)														0		
1175(c)(2)		1	1	2				2	3					9		
1175(c)(4)(B)			1											1		
1175(c)(4)(B)(i)				1			1	1	3					6		
1175(c)(4)(B)(ii)														0		
1175(c)(4)(B)(ii)(I)				1			1	1						3		
1175(c)(4)(B)(ii)(II)		1		1										2		
1176(e)									1					1		
1176(e)(2)														0		
1176(e)(2)(B)														0		
1176(e)(3)(A)														0		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action		
1176(e)(6)														0		
1178(d)(1)(B)														0		
1189(c)(1)														0		
1189(c)(3)														0		
1193(d)(1)(B)														0		
1303														0		
1303(a)(1)							2							2		
1401(d)(1)														0		
1401(d)(1)(A)														0		
1401(d)(1)(B)														0		
1405(d)(3)(C)														0		
1407(d)														0		
1407(d)(1)														0		
1407(d)(2)														0		
1407(d)(4)														0		
1407(f)(1)														0		
1415(d)(3)						1								1		
1418(d)(2)(A)														0		
1421														0		
1421(d)														0		
1421(d)(1)(C)														0		
1421(d)(1)(G)														0		
1421(d)(3)(A)														0		
1421(e)(1)(A)(vii)														0		
1421(e)(3)(B)														0		
1421(h)(1)(A)														0		
1421(h)(1)(B)														0		
1421(h)(1)(C)														0		
1421(h)(1)(E)														0		
1421(h)(3)														0		
1421(i)(1)(C)														0		
1425(d)(1)(A)														0		
1469								1						1		
1469(c)														0		
1469(c)(8)							1							1		
1469(d)(5)							1							1		
1469(e)(1)														0		
1469(e)(2)														0		
1469(h)														0		
1469(l)														0		
1189(c)(3)														0		
2004														0		
2004(b)(1)		1					1							2		
2004(b)(4)		1					1							2		
2004(c)(1)		1					1							2		
2004(c)(1)(C)		1					1							2		
2004(f)(1)		8	10	11	2	8	6	5	9					59		
2004(k)														0		
2009(b)(2)		1												1		
2009(c)														0		
2009(f)(1)														0		
2009(f)(2)		1												1		
2009.1														0		
2009.1(c)														0		
2009.1(f)(1)														0		
2009.1(f)(2)														0		
2009.1(f)(3)														0		
2011 Appendix A														0		
2011 Attachment C														0		
2011(c)(2)							1							1		
2011(c)(2)(A)				1										1		
2011(c)(3)(A)														0		
2011(e)(1)						1								1		
2011(f)(3)														0		
2011(g)														0		
2011(k)														0		
2011(k) Appen. A, Chap. 2, except E & Attach C														0		
2011(k) Appen. A, Chap. 2, Section A.3 a-c, A.5 and B. 1-4 and Appen. A, Chap. 2, Section C.2.a, c & d														0		
2011(k) Appen. A, Chap. 2, Sections A.3.,a.-c.,e.g. and B.1.-4														0		

	2005	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action
2012 Appen. A, Attach. C														0
2012 Appen. A, Attach. C, Chap. 2, Sec. B														0
2012 Appen A														0
2012 Appen A, Chap. 2														0
2012 Appen A, Chap. 2, Sec. A														0
2012 Appen A, Chap. 2, Sec. A1.g.														0
2012 Appen A, Chap. 2, Sec. B														0
2012 Appen A, Chap. 2, Sec. E														0
2012(c)(2)					1	1								2
2012(c)(2)(A)						2								2
2012(c)(2)(C)														0
2012(c)(3)					1									1
2012(c)(3)(A)		1				1	1							3
2012(c)(3)(B)		1					1							2
2012(c)(10)														0
2012(d)(2)														0
2012(d)(2)(A)														0
2012(d)(2)(D)														0
2012(e)(2)(B)														0
2012(g)(1)		1				1	1							3
2012(g)(3)														0
2012(h)(3)														0
2012(h)(4)														0
2012(h)(5)														0
2012(h)(6)														0
2012(i)														0
2012(j)(1)														0
2012(j)(2)														0
2012, Appen. A, Chp 3, Sec (A)(6)														0
2012(m)														0
2012(m) Appen. A, Chp 2, except Sections E & Attach C.														0
2012(m) Appen. A, Attach. C														0
2012(m) Appen. A, Chap. 2, Sections 2.A.1 a-c, e.g, and B. 1-4 and Appendix A, Chapter 3, Section C.2 a, c & d														0
2012(m) Appen A, Chap 3, Section (A)(6)														0
2012(m) Appen. A., Chap 5, Para G, Table 5B and Att. D														0
3002(c)						1								1
3002(c)(1)			2	2	2	1	1	3	4					15
3002(c)(2)														0
H&S 39152(b)						1								1
H&S 41510						1								1
H&S 41700			1											1
H&S 41701		2						2	2					6

## Report of August 2005 Hearing Board Cases

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. BP West Coast Products, LLC Case #5357-30 (Consent Calendar; No Appearance)		Petitioner seeks alternate means to comply with condition in previously granted variance.	Not Opposed/Granted	Mod./Variance granted for Condition No. 5.	
2. Brea Power Partner, LLP Case #4966-1A (Consent Calendar; No Appearance)	202(b) 1110.2(d)(1)(C) 1110.2(e)(1)(B)(i)(III) 1110.2(f)(1)(A)	Failure of lightning arrestor resulted in damage to one of three engines requiring modifications to achieve compliance. This in turn resulted in delay of modifications to remaining two engines.	Not Opposed/Denied	RV denied.	
3. Equilon Enterprises, LLC Case #4982-60 (N. Feldman)	203(b) 401(b)(1) 2004(f)(1) H&S §41701	Petitioner needs to stop required NH3 injection to ESP in order to conduct testing to gather data to design enhanced ESP to comply with future emission limits.	Not Opposed/Granted	SV granted commencing 8/16/05 and continuing through 11/15/05, the FCD.	Opacity up to 80% excess
4. Equilon Enterprises, LLC Case #4982-61 (N. Feldman)	203(b) 2004(f)(1)	Petitioner seeks to disconnect storage tanks from VRS in order to store water for firefighting purposes.	Opposed/Dismissed	IV dismissed.	
5. Equilon Enterprises, LLC Case #4982-61 (N. Feldman)	203(b) 2004(f)(1)	Petitioner must disconnect storage tanks from VRS contrary to permit in order to store water for firefighting purposes.	Not Opposed/Granted	SV granted commencing 8/31/05 and continuing through 11/29/05, the FCD.	None
6. ExxonMobil Oil Corporation Case #1183-394 (N. Feldman)	203(b) 2004(f)(1)	Boiler must be shut down to repair leaks. When restarted, NH3 cannot be injected to SCR until minimum temperature of 550°F is reached. During that time, NOx will exceed limit.	Not Opposed/Granted	SV granted for five days, which need not be consecutive, in a window of time commencing 8/16/05 and continuing through 9/30/05, the FCD.	NOx to be determined

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
7. ExxonMobil Oil Corporation Case #1183-395 (J. Panasiti)	203(b) 464(b) 1176(e) 2004(f)(1)	Wastewater system must be temporarily disconnected from VRS in order to perform maintenance operations.	Not Opposed/Granted	SV granted commencing on the date and time specified in the notice to be given pursuant to Condition No. 1 and continuing for 90 days thereafter but no later than 12/23/05, the FCD.	350 lbs/total for the variance period
8. Group O/A Rule 461 EVR Class 2 Case #5517-5 (Consent Calendar; No Appearance)	203(b) 461(c)(1)(A) 461(c)(1)(B) 461(e)(2)(A) 461(e)(2)(B)(i) 461(e)(3)	Respondents failed to comply with the 4/1/05 deadline for enhanced vapor recovery at gasoline dispensing facilities.	Stipulated/Issued	Group O/A issued commencing 8/9/05; the Hearing Board shall retain jurisdiction over this matter until 10/4/05.	
9. Harbor Cogeneration Company Case #3802-10 (B. Theis)	203(b) 218(d)(1)(B) 218(f)(2) 2004(f)(1)	Repair of CEMS could not be completed within 96 hours as allowed by Rule 218.	Not Opposed/Granted	Ex Parte EV granted commencing 8/26/05 and continuing for 30 days or until the EV hearing scheduled for 9/6/05, whichever comes first.	None
10. Kincaid and Decker Inc. Case #5547-1 (J. Panasiti)	1136(c)(1)(A)(i)	Compliant topcoat needed for compliance with new limit effective July 1, 2005 has inconsistent gloss. Petitioner needs to use noncompliant coating while awaiting reformulated coating from manufacturer.	Not Opposed/Granted	IV granted commencing 8/30/05 and continuing for 90 days or until the RV hearing currently scheduled for 10/25/05, whichever comes first.	VOC 42 lbs/day
11. Mountain View Power Company, LLC Case #5155-3 (N. Feldman)	202(a) 203(b) 401(b)(1) 2004(f)(1) 3002(c)(1) H&S §41701	Petitioner will temporarily exceed opacity limits upon initial firing of new combined cycle gas turbine.	Not Opposed/Granted	EV granted for 60 minutes, that need not be consecutive, in a window of time commencing 8/16/05 and continuing through 8/25/05, the FCD.	Opacity up to 40%
12. Paramount Petroleum Corporation Case #2914-75 (E. Sernel)	203(b) 2004(f)(1)	Petitioner seeks to operate while it secures permit and makes equipment changes to allow alternate monitoring method of tank throughput.	Not Opposed/Granted	RV granted commencing 8/11/05 and continuing through 2/10/06, the FCD.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
13. Penrose Landfill Gas Conversion, LLC Case #5490-1 (A. Mednick)	1110.2(d)(1)(A) 1110.2(d)(1)(B) 1110.2(d)(1)(C) 1110.2(e)(1)(B)(i)(II) 1110.2(e)(1)(B)(i)(III) 1110.2(f)(1)(A) 1110.2(f)(1)(B)	Retrofit of ICEs and CEMS certification not yet complete.	Not Opposed/Granted	MFCD/EXT granted commencing 8/30/05 and continuing through 4/1/06.	VOC to be determined
14. Premier Industries, Inc., dba Insulfoam Case #5333-3 (C. Engelhardt)	203(b) 1175(c)(2) 1175(c)(4)(B)(i) 3002(c)(1)	Petitioner seeks to continue operations while it repairs RTO that has repeatedly failed.	Not Opposed/Granted	EV granted commencing upon the first of the following events: (1) the failure and shutdown of the RTO; or (2) notification to the District (Attn: Jessica Nielsen 909-396-3627) 12 hours in advance of planned shut down of the RTO, and shall continue for 6 days following such notification.	VOC 718 lbs/day
15. Premier Industries Inc., dba Insulfoam Case #5333-4 (C. Engelhardt)	203(b) 1175(c)(2) 1175(c)(4)(B)(i) 3002(c)(1)	Petitioner made repairs to RTO as recommended by manufacturer and consultant. RTO continues to malfunction.	Not Opposed/Granted	Ex Parte EV granted commencing 8/12/05 and continuing for 30 days or until the EV hearing currently scheduled for 8/25/05, whichever comes first.	VOC 843 lbs/day
16. Premier Industries Inc., dba Insulfoam Case #5333-4 (C. Engelhardt)	202(a) 203(b) 1175(c)(2) 1175(c)(4)(B)(i) 3002(c)(1)	Petitioner needs to continue operations while investigating repeated failures of RTO.	Not Opposed/Granted	SV granted commencing 8/31/05 and continuing through 11/3/06, the FCD.	VOC to be determined (718 lbs/day when the RTO is off line)
17. SCAQMD vs. Action Computer Products Sales, Inc. Case #5511-1 (E. Sernel)	203(a)	Since at least February 2004, petitioner has been operating 13 pieces of equipment without valid permits to operate.	Not Stipulated/Issued	O/A issued commencing 8/18/05; the Hearing Board shall retain jurisdiction over this matter until 8/18/06.	
18. SCAQMD vs. Jorge Cortez Meza, individually and dba Ana's Auto Body Shop Case #5540-1 (B. Theis)	109 203(a)	Respondent has been operating a paint spray booth since at least January 2003, without a valid permit to operate and has failed to maintain records as required.	Not Stipulated/Issued	O/A issued commencing 8/9/05; the Hearing Board shall retain jurisdiction over this matter until 8/9/06.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
19. Toyon Landfill Gas Conversion LLC Case #5491-1 (A. Mednick)	1110.2(f)(1)(A) 1110.2(f)(1)(B)	CEMS certification not yet completed.	Not Opposed/Granted	MFCD/EXT granted commencing 8/30/05 and continuing through 1/15/06.	None
20. Ultramar, Inc. dba Valero Wilmington Refinery Case #3845-61 (J. Panasiti)	203(b) 2004(f)(1)	Petitioner wishes to temporarily disconnect 3 of 26 HF sensors to relocate them while alky unit undergoes upgrade.	Not Opposed/Granted	SV granted commencing on the date specified in the notice given pursuant to Condition No. 1 for a period of no more than 2 days and ending no later than 10/1/05, FCD.	None

### **Key to Acronyms**

CO: Carbon Monoxide  
EV: Emergency Variance  
FCD: Final Compliance Date  
H&S: Health & Safety Code  
IV: Interim Variance  
MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance  
Mod. O/A: Modification of an Order for Abatement  
Mod./Variance: Modification of a Variance  
O/A: Order for Abatement  
PM: Particulate Matter  
RV: Regular Variance  
SV: Short Variance  
TBD: To be determined  
TOC: Total Organic Compounds  
VOC: Volatile Organic Compound